
TESTA, HURWITZ & THIBEAULT, LLP

ATTORNEYS AT LAW

OFFICE (617) 248-7000

125 HIGH STREET
BOSTON, MASSACHUSETTS 02110-2704

FAX (617) 248-7100

Direct Dial (617) 248-7510

E-Mail hurwitz@thl.com

August 20, 2002

Terence A. Dixon, Esq.
Dechert, Price & Rhoads
4000 Bell Atlantic Tower
1717 Arch Street
Philadelphia, PA 19103-2793

RE: Zone Perfect

Dear Terry:

I write once again to alert you to continued use by Zone Perfect of Dr. Sears's name in connection with sales of nutrition bars, protein powder, and related advertising.

Specifically, Dr. Sears recently was made aware of the sales of Zone Perfect protein powder and continuing sales of Zone Perfect bars, both bearing his name. (See enclosed copies.) As I have indicated in the past, the continuing unauthorized use of Dr. Sears's name and misleading statements of association with products with which he is not associated is of great concern to our client. Most troubling of all is that some of these food items appear to have been manufactured in 2002, well beyond any date on which Zone Perfect was authorized to use Dr. Sears's name. Such use must stop immediately.

It also troubles me greatly that we have not received a response to our earlier letters dated May 10, 2002 and June 14, 2002 raising the same and similar issues. We need to hear from you immediately with clear assurances that your client's unlawful activities have stopped and that Zone Perfect has notified in writing all of its customers, vendors, and other sellers of its products that they no longer should sell, offer to sell, or advertise for sale any Zone Perfect products bearing Dr. Sears's name.

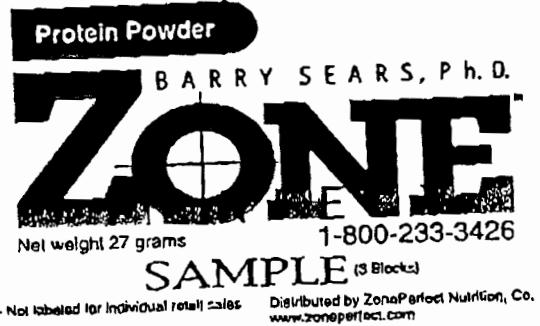
From everything we observe, Zone Perfect continues to reap substantial financial benefits from the unlawful use of Dr. Sears's name.

Sincerely,


Stephen A. Hurwitz

encls.

cc: Thomas E. Neely, Esq. (w/encls.)
Barry D. Sears, Ph.D.





Nutritive Information Nutritional par 50g serving (1 bar) /par portion de 50g (1 barre): Energy/Energie 216 Cal/910 kJ; Protéine/Proteïnes: 14g; Lipides/Matières grasses: 7.1g; Polyunsaturates/Polyinsaturés 1.2g; Linoleic Acid/Acide Linoléique 0.8g; n-3 Linolenic Acid/Acide Linolénique n-3 0.2g; Monoinsaturates/Monoinsaturats 1.4g; Saturates/Saturés 4g; Cholesterol/Cholestérol 0mg; Carbohydrates/Glucides 24g; Dietary Fibres/Fibres Alimentaires 1.0g; Vitamin A/Vitamine A 210 RE/RE; Vitamin D/Vitamine D 0.0005 mg; Vitamin E/Vitamine E 2.1mg; Vitamin C/Vitamine C 11mg; Thiamine/B1 0.29 mg; Riboflavine/B2 0.03mg; Nicotinamide/Niacine 6.3 NE/EN; Vitamin B6/Vitamine B6 0.03mg; Folic Acid/Acide Folique 0.063mg; Vitamin B12/Vitamine B12 0.0002mg; Pantothenic Acid/Acide Pantothénique 1.25mg; Biotin/Biotine 0.025mg; Calcium 210mg; Phosphorus/Phosphore 270mg; Magnesium/Magnésium 42 mg; Iron/Fer 2.1mg; Zinc 2.8 mg; Iodide/Iode 0.032mg; Sodium 320 mg; Potassium 301 mg; Copper/Cuivre 0.32mg; Manganese/Manganèse 0.05mg; Selenium/Sélénium 0.0038mg; Chromium/Chromane 0.008mg; Methylsulfonyl Molybdate/Molybdate 0.07mg

Distributed by / Distribué par: ZonePerfect Nutrition Co., Beverly, MA 01915, USA / EEUU

2000 *ZincPerfect Nutrition Company*, a alliance of 40% Carbohydrate, 30% protein and 30% fat, An equivalent of 40% glucides, 30% protéines et 30% matières grasses. *ZincPerfect* commercialisé à l'automne de 1999. *ZincPerfect* est la marque de *ZincPerfect Nutrition Company*, une compagnie canadienne spécialisée dans la fabrication et la distribution de compléments alimentaires et de suppléments nutritionnels.

RECHERCHE DE SOYA
PARIS, 1954

LETTRE DE M. LE PROFESSEUR PASCALIN, DIRECTEUR DE RECHERCHES EN BIOLOGIE VÉGÉTALE, INSTITUT NATIONAL D'AGRICULTURE, PARIS, A M. LE MINISTRE DE L'AGRICULTURE, M. JEAN BOURGET, ET A M. LE SECRÉTAIRE D'ÉTAT À L'AGRICULTURE, M. JEAN BOURGET, SUR LA POSSIBILITÉ DE FAIRE ENTRÉE EN FRANCE DES PRODUITS DE SOYA.



Nutrition information Nutritive value per 50g serving (1 bar) / A portion de 50g (1 barre): Energy/Energie 216 Cal/910 kJ; Protein/Proteïnes: 14g; Fats/gras: 7.1g; Polyunsaturates/Polyinsaturates: 1.5g; Linoleic Acid/Acide Linoléique: 1.2g; n-3 Linoleic Acid/Acide Linolénique: > 0.2g; Monounsaturates/Monoinsaturates: 1.5g; Saturates/Saturés: 3.5g; Cholesterol/Cholestérol: 0mg; Carbohydrates/Glucides: 24g; Dietary Fibre/Fibres Alimentaires: 2.0g; Vitamin A/Vitamine A: 210 RE/UE; Vitamin D/Vitamine D: 0.0005 mg; Vitamin E/Vitamine E: 2.1mg; Vitamin C/Vitamine C: 11mg; Thiamine (B1): 0.28 mg; Niacin (B3)/Riboflavine (B2): 0.38mg; Niacin/Niacine: 6.3 NEUH; Vitamin B5/Vitamine B5: 0.33mg; Folic Acid/Acide folique: 0.033mg; Vitamin B12/Vitamine B12: 0.0002mg; Pantothenic Acid/Acide Pantothénique: 1.20mg; Phytosterols: 0.025mg; Crude Fibre: 2.0g; Magnesium/Magnésium: 42 mg; Iron/Iron: 2.1mg; Zinc/Zinc: 0.28 mg; Copper/Cuivre: 0.02 mg; Manganese/Manganèse: 0.005 mg; Selenium/Sélénium: 0.0005 mg.